

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

May 26, 2000

C030936 THE PEOPLE v. CULLINAN (Not for Publication)

The judgment is affirmed.

BLEASE, J.

We concur: Scotland, P.J.
 Davis, J.

C030335 THE PEOPLE v. JOSHUA (Not for Publication)

The judgment is affirmed.

NICHOLSON, Acting P. J.

We concur: Callahan, J.
 Kolkey, J.

C031234 THE PEOPLE v. BLACKWOOD (Not for Publication)

The 10-gallon enhancement is reversed. In all other respects the judgment is affirmed.

MORRISON, J.

I concur: Blease, J.

I concur except as to Part III

...

For these reasons, I cannot say the trial court acted beyond the bounds of reason in concluding that the evidence was relevant to the issues of identity and mental state and that its probative value outweighed its potential for prejudice.

Scotland, P.J.

May 30, 2000

C030074 Conservatorship of GREGORY (Certified for Publication)

C030733

It is ordered that the opinion filed herein on May 1, 2000, be modified as follows:

...

There is no change in the judgment.

Defendants' petition for rehearing is denied.

SCOTLAND, P.J.

Blease, J.

Callahan, J.

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May 30, 2000 continued

- C032656 THOMPSON et al. v. STOCKTON MARKETING, Inc. (Not for Publication)**
The judgment is reversed. Costs shall be awarded to plaintiffs.
BLEASE, Acting P.J.
We concur: Morrison, J.
Kolkey, J.
- C033639 In re RUDY M.; THE PEOPLE v. RUDY M. (Not for Publication)**
The juvenile court's order of September 9, 1999, awarding restitution in the above-stated amounts to victim Campos and Riehl is affirmed.
CALLAHAN, J.
We concur: Davis, Acting P.J.
Kolkey, J.
- C29818 THE PEOPLE v. PERRY (Not for Publication)**
The judgment is affirmed.
RAYE, J.
I concur: Callahan, J.
I concur in the result:
Blease, Acting P.J.
- C032389 TYLER v. CAMERON PARK COMMUNITY SERVICES DISTRICT (Not for Publication)**
The judgment is affirmed.
BLEASE, Acting P.J.
We concur: Raye, J.
Kolkey, J.
- C033020 THE PEOPLE v. CAMERON (Not for Publication)**
The judgment is modified to reflect the imposition of a \$50 criminal laboratory analysis fee (Health & Saf. Code, § 11372.5) and a \$50 state penalty assessment (Pen. Code, § 1464) and a \$35 county penalty assessment (Gov. Code § 76000) upon the fee. The trial court is directed to prepare an amended abstract of judgment accordingly and to forward a certified copy to the Department of Corrections. As modified, the judgment is affirmed.
CALLAHAN, J.
We concur: Davis, Acting P.J.

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Kolkey, J.

May 30, 2000 continued

C033733 In re MAYRA M.; CHILDREN SERVICES DIVISION v. HERBERT H.

(Not for Publication)

The orders of the juvenile court denying appellant's section 388 petition and terminating his parental rights are affirmed.

DAVIS, Acting P.J.

We concur: Callahan, J.
 Kolkey, J.

C032152 HONORE et al. v. TURNER GAS COMPANY

(Not for Publication)

The judgment (order denying an award of attorney's fees and costs) is affirmed.

BLEASE, Acting P.J.

We concur: Raye, J.
 Kolkey, J.

May 31, 2000

C028771 COUNTY OF SACRAMENTO v. MARSHALL et al.

(Not for Publication)

It is ordered that the opinion filed on May 3, 2000, be modified in the following respect:

On page 13, the section entitled "DISPOSITION" is vacated and the following is substituted therefore:

DISPOSITION

To the extent appellants purport to appeal from a statement of decision, the appeal is dismissed. The judgments of December 12, 1997, and April 24, 1998, are vacated and the matter is remanded to the trial court with directions that the court permit appellants to file a motion for relief from the deemed admitted order under section 2033, subdivision (m). If the court grants the motion, it shall thereafter retry the case. If appellants fail to file the motion, or if they file the motion and the court denies it, the court is directed to enter judgment in favor of respondent. Appellants' shall recover their costs on appeal.

This modification changes the judgment.

The petition for rehearing is denied.

BLEASE, Acting P.J.

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Sims, J.
Davis, J.

May 31, 2000 continued

- C031490 THE PEOPLE v. SEWELL**
Appellant's petition for rehearing is denied.
SCOTLAND, P.J.
- C031446 DURBIN v. USAA GROUP, Inc., et al. v. KINNEY**
(Not for Publication)
We affirm the trial court's order to the extent it awards defendants' costs on appeal in the amount of \$4,189.36. We reverse the order to the extent that it commands Mr. Kinney to pay sanctions. The parties shall bear their own costs for this appeal.
KOLKEY, J.
We concur: Scotland, P.J.
Morrison, J.
- C033475 FIELD v. MAXEY**
(Not for Publication)
The judgment of dismissal is affirmed.
SCOTLAND, P.J.
We concur: Davis, J.
Morrison, J.
- C031048 THE PEOPLE v. RICKS**
(Not for Publication)
The judgment is affirmed.
SCOTLAND, P.J.
I concur: Morrison, J.
I concur in the judgment and opinion except as to Part I of the Discussion as to which I concur in the result:
Blease, J.
- C033729 THE PEOPLE v. BALTIMORE**
(Not for Publication)
The judgment is affirmed.
HULL, J.
We concur: Scotland, P.J.
Sims, J.
- C033028 THE PEOPLE v. PARKS**
(Not for Publication)
The judgment is affirmed.
HULL, J.

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We concur: Scotland, P.J.
Sims, J.

May 31, 2000 continued

- C033697 THE PEOPLE v. BRACE (Not for Publication)**
The judgment is modified to award defendant 20 days of pretrial conduct credit. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections.
HULL, J.
We concur: Scotland, P.J.
Sims, J.
- C033568 THE PEOPLE v. STONE (Not for Publication)**
The judgment is affirmed.
HULL, J.
We concur: Scotland, P.J.
Sims, J.
- C034296 THE PEOPLE v. HAKEEM (Not for Publication)**
The judgment is modified to impose a \$1,400 restitution fine suspended unless defendant's parole is revoked. (§1202.45.) As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting this modification, and to forward a certified copy of the amended abstract to the Department of Corrections.
SCOTLAND, P.J.
We concur: Sims, J.
Hull, J.
- C033688 CLASSIC CABINETS et al. v. WORKERS' COMPENSATION APPEALS BOARD et al. (Not for Publication)**
The order of the Board ordering payment to Dunkl's attorneys "forthwith" is annulled. Dunkl's request for attorney fees and costs for a frivolous petition for a writ of review is denied. Defendants shall recover their costs in connection with this original proceeding. (Cal. Rules of Court, rule 56.4.)
MORRISON, J.
We concur: Sims, Acting P.J.
Callahan, J.

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We concur: CALLAHAN, J.
Scotland, P.J.
Blease, J.

May 31, 2000 continued

- C033932 THE PEOPLE v. JONES (Not for Publication)**
The judgment is affirmed.
HULL, J.
We concur: Scotland, P.J.
Sims, J.
- C034192 In re RACHAEL S.; DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. RACHAEL S. (Not for Publication)**
The appeal is dismissed.
DAVIS, Acting P.J.
We concur: Nicholson, J.
Kolkey, J.
- C031745 THE PEOPLE v. WADE (Not for Publication)**
The judgment is affirmed.
HULL, J.
We concur: Scotland, P.J.
Blease, J.
- C031866 THE PEOPLE v. COLEMAN (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We concur: Blease, J.
Davis, J.
- C034407 In re NICOLE P.; YUBA COUNTY DEPARTMENT OF SOCIAL
SERVICES v. PATRICIA P. (Not for Publication)**
The orders denying appellant's petition for modification and terminating
her parental rights are affirmed.
CALLAHAN, J.
We concur: Davis, Acting P.J.
Kolkey, J.

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C033177 ARLIN et al v. CITY OF GALT et al. (Not for Publication)
The judgment is affirmed. The order granting in part plaintiffs' motion to
tax costs is affirmed. The parties shall bear their own costs on appeal.
SIMS, Acting P.J.
We concur: Raye, J.
Callahan, J.

May 31, 2000 continued

**C033890 In re IMANI G.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH
AND HUMAN SERVICES v. IMANI G. (Not for Publication)**
The order terminating appellant's rights is affirmed.
CALLAHAN, J.
We concur: Davis, Acting P.J.
Kolkey, J.

**C034211 In re NAVINA C.; YOLO COUNTY DEPARTMENT OF SOCIAL
SERVICES v. ENRIQUE (Not for Publication)**
The orders of the juvenile court are affirmed.
CALLAHAN, J.
We concur: Davis, Acting P.J.
Kolkey, J.

**C031050 NORTHERN INSURANCE COMPANY v. FIREMAN'S FUND
INSURANCE COMPANY et al. (Not for Publication)**
The judgments are reversed. Northern shall recover its costs on appeal.
SIMS, Acting P.J.
We concur: Hull, J.
Kolkey, J.

C031315 THE PEOPLE v. HILL (Not for Publication)
The judgment is affirmed.
SCOTLAND, P.J.
We concur: Blease, J.
Davis, J.

C030151 THE PEOPLE v. BARBAJAS (Not for Publication)
The judgment is affirmed.
SIMS, Acting P.J.
We concur: Nicholson, J.
Morrison, J.

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C032369 THE PEOPLE v. PAYNE, JR. (Not for Publication)
The judgment is affirmed.
 HULL, J.
We concur: Scotland, P.J.
 Nicholson, J.

May 31, 2000 continued

C028952 THE PEOPLE v. COILTON (Not for Publication)
The judgment is affirmed.
 RAYE, J.
We concur: Scotland, P.J.
 Hull, J.

June 1, 2000

**MISC. ORDER
2000-04**

Associate Justice Coleman A. Blease is appointed to serve as Acting Presiding Justice to discharge the duties described in Rules 75, 76, 77 and 78 of the California Rules of Court during the absence of the Presiding Justice from the court on June 12, 2000, or until his return. (See Cal. Const. Art 6, Sec. 3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

SCOTLAND, P.J.

C031844 THE PEOPLE v. RUSSELL et al. (Certified for Partial Publication)
The judgment is affirmed.
 SIMS, Acting P.J.
I concur: Callahan, J.
I concur in the result:
 Raye, J.

C027911 THE PEOPLE v. WINTER (Not for Publication)
The judgment is reversed.
 MORRISON, J.
I concur: Blease, J.

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I concur & dissent: (see opinion for concurring & dissenting)
Scotland, P.J.

June 1, 2000 continued

- C026045 DENEVI v. PORTLOCK INTERNATIONAL, LTD. et al.**
(Not for Publication)
The judgment is affirmed. Plaintiff shall recover costs on defendants' appeal; defendants are entitled to costs on plaintiff's appeal.
RAYE, J.
We concur: Sims, Acting P.J.
 Morrison, J.
- C032107 THE PEOPLE v. VIDAURRI (Not for Publication)**
C033292
Both appeals are dismissed.
SIMS, J.
We concur: Scotland, P.J.
 Nicholson, J.
- C032324 THE PEOPLE v. ONEAL (Not for Publication)**
The trial court is directed to prepare an amended/corrected abstract of judgment to reflect 21 actual days and 10 conduct days for a total of 31 days of presentence custody credit for the burglary offense and the \$156 mail jail booking fee and \$32 classification fee orally imposed and to forward a certified copy to the Department of Corrections. The judgment is affirmed.
SIMS, Acting P.J.
We concur: Nicholson, J.
 Morrison, J.
- C032264 THE PEOPLE v. ELDRIDGE (Not for Publication)**
The judgment is affirmed.
RAYE, J.
We concur: Sims, Acting P.J.

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Callahan, J.

C029692 NANNINI v. DEPARTMENT OF CORRECTIONS (Not for Publication)

The judgment is affirmed.
 SCOTLAND, P.J.
We concur: Sims, J.
 Nicholson, J.

June 2, 2000

C031042 THE PEOPLE v. GALLEGOS, JR. (Not for Publication)

The judgment is affirmed.
 DAVIS, J.
We concur: Sims, Acting P.J.
 Morrison, J.

C031072 THE PEOPLE v. SMART (Not for Publication)

The judgment is affirmed.
 DAVIS, Acting P.J.
We concur: Raye, J.
 Hull, J.

C031786 ISAAC v. COPE (Not for Publication)

We affirm the order vacating and setting aside the amended judgment of December 9, 1996, reinstating the original judgment of September 26, 1995, and striking judgment from land records.
 DAVIS, J.
We concur: Sims, Acting P.J.
 Callahan, J.

C032380 THE PEOPLE v. SALGADO (Not for Publication)

The judgment is affirmed.
 DAVIS, J.
We concur: Sims, Acting P.J.
 Morrison, J.

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June 5, 2000

There were no minutes for this date.